United Nations CRPD/C/SWE/CO/1

Convention on the Rights of Persons with Disabilities

Distr.: General
12 May 2014

Original: English

Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Sweden*

I. Introduction

1. The Committee considered the initial report of Sweden (CRPD/C/SWE/1) at its 123rd and 124th meetings, held on 31 March and 1 April 2014, respectively, and adopted the following concluding observations at its 140th meeting, held on 11 April 2014.

2. The Committee welcomes the initial report of Sweden, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for the written replies (CRPD/C/SWE/Q/1/Add.1) to the list of issues prepared by the Committee.

3. The Committee appreciates the fruitful dialogue held with the State party's delegation and commends the State party for the strength of its delegation, which included many representatives of relevant Government ministries.

II. Positive aspects

4. The Committee commends Sweden on a number of achievements. It notes that Swedish sign language is equal to the five national minority languages, according to the Language Act, and welcomes that important step. The Committee commends Sweden for its inclusive education system, where 1.5 per cent of children are instructed outside of regular schools in accordance with the decision made by their family. In addition to the new Education Act, which entered into force in 2011, a right to appeal decisions concerning special support before the Board of Appeal for Education was introduced — an improvement that extends the available safeguards. The Committee also notes the adoption of a new law that classifies denial of reasonable accommodation as discrimination. The Committee commends Sweden for its system for ensuring the confidentiality of the vote. It commends the Government for its new legislation on creating a multi-choice flexible assistance system for voters with disabilities that will enter into force in 2015, and for the preparations and plans to introduce, on a trial basis, fully accessible e-voting for the 2018 elections, as the delegation has informed the Committee. It is pleased to learn that the State party has brought a disability policy perspective to its international cooperation work, and that it has financed the participation of representatives from the disability movement both at

* Adopted by the Committee at its eleventh session (31 March–11 April 2014).

GE.14-43359

1443359

Please recycle

the most recent Conference of States Parties to the Convention and at the high-level meeting of the General Assembly on disability and development. The Committee also notes that 22 State agencies have been commissioned to implement the Convention within their fields and to annually monitor progress under the coordinating authority of the Swedish Agency for Disability Policy Coordination (Handisam), and that Sweden ensures all persons with disabilities, including persons with psychosocial and intellectual disabilities, the right to vote and to be elected.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee is concerned that the system of indicators established by the State party to monitor the implementation of the Convention is based only on those areas that strictly relate to the disability policy and does not cover broadly all of the rights areas under the Convention, and that there is a lack of indicators. It is further concerned that this reporting system is voluntary based at the municipal level, even though the State Party had not made a reservation in this respect when ratifying the Convention.

6. **The Committee recommends that the State party review the indicators system to ensure its coverage of all areas of the Convention, and design measures to encourage municipalities to monitor its implementation.**

7. The Committee is concerned that the Convention has not been integrated into Swedish law and is therefore left to the interpretation of authorities and courts. The Convention articles cannot serve as guidelines in court rulings, as they are not explicitly included in the texts of the national law. There is a serious gap between the policies followed by the State party and those followed by the municipalities with respect to the implementation of the Convention. That concern also has been raised in the official communications between the State party and the Committee with regard to individual communication No. 3/2011, *H.M.* v *Sweden*.

8. **The Committee urges the State party to ensure that the Convention is properly incorporated into Swedish legislation in order for it to be applicable as Swedish law.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

9. The Committee is concerned that the new bill on discrimination, which classifies the denial of reasonable accommodation as discrimination, exempts organizations employing fewer than 10 employees. It is also concerned that the concept of denial of reasonable accommodation is not considered to be of general application throughout the legal framework of the State party and that authorities from the different levels of government are not bound by this legal obligation.

10. **The Committee urges the State party to review the proposed draft bill with a view to ensuring its full harmonization with the provisions of article 5 of the Convention, and to take all appropriate steps to ensure that reasonable accommodation is provided in all spheres of society, in both public and professional contexts, without any exemption, based on the principle of equal opportunities for all. It also urges the State party to adopt a legal definition of reasonable accommodation and incorporate it into all relevant statute laws so that it can be applicable in all areas of government, including judicial and administrative areas.**

11. The Committee is concerned that the systems for dealing with cases of intersectional discrimination, for example disability combined with gender or ethnicity, require more development.

12. **The Committee recommends that the State party examine the appropriateness of the current structure used to deal with situations of intersectional discrimination.**

Women with disabilities (art. 6)

13. The Committee is concerned that there is little knowledge about whether women with disabilities are discriminated against because of their gender, and to which degree women and girls with disabilities are discriminated against as compared to men and boys with disabilities. It is further concerned that studies, policies and plans of action concerning persons with disabilities do not include a gender perspective.

14. **The Committee recommends that the State party ensure that the perspective of gender and disability permeates its legislation and policies, surveys and plans, its implementation, evaluation and monitoring activities and its services. It also recommends that the State party adopt effective and specific measures to prevent intersectional forms of discrimination against women and girls with disabilities.**

Children with disabilities (art. 7)

15. The Committee is concerned at reports indicating that children with disabilities are exposed to higher rates of violence than other children, and that there is a lack of awareness among staff working with children.

16. **The Committee recommends that the State party develop research as well as a collection of data and statistics on violence against children with disabilities. It also recommends that the State party reinforce its strategy and initiatives for the sensitization and training of parents and staff working with children as well as for awareness-raising among the general public.**

17. The Committee is concerned at reports that reveal that rates of mental health and psychosocial issues and disorders are high among young people; that school health services are underresourced; and that access to school psychologists and the psychosocial support system involves a long wait.

18. **The Committee recommends that the State party increase the resources available for school health services to ensure that children have access to and receive appropriate psychosocial and mental-health support and psychiatric health care in a timely manner.**

19. The Committee is concerned that children with disabilities are not systematically involved in decisions concerning their lives and that they lack opportunities to express their opinions on matters concerning them.

20. **The Committee recommends that the State party ensure existing safeguards and adopt additional ones to protect the right of children with disabilities to be consulted in all matters concerning them.**

Awareness-raising (art. 8)

21. The Committee is concerned about the lack of knowledge among the general population about different disabilities, relevant factors and reasonable accommodation needs related to disabilities, in particular in the education system and among decision makers.

22. **The Committee encourages the State party to create a strategy that increases public knowledge about different disabilities and to reinforce not only a positive but also an informative image of men and women with disabilities as dignified,**

independent and capable individuals who are holders of all the human rights recognized in the Convention, with the aim to remove sociocultural discrimination barriers in public life. The Committee further recommends that specific programmes be established, in consultation with disabled persons' organizations, to raise awareness among public sector employees.

23. The Committee is concerned about the lack of promotion of the contents of the Convention among public officials and private actors, and in particular the new concepts that have been incorporated into human rights law, such as reasonable accommodation and disability-based discrimination.

24. **The Committee recommends that the State party launch periodic, regular and continuous national campaigns and other training courses targeted to public officials and private actors to enable them to become acquainted with the general and specific contents of the Convention that have recently been incorporated into human rights law.**

Accessibility (art. 9)

25. The Committee is concerned that rules pertaining to accessibility in buildings are not adhered to, and notes that public procurement procedures are not used to fully foster accessibility.

26. **The Committee recommends that the State party ensure that municipalities and local authorities are sensitized about the accessibility principle, with a view to aligning relevant local and regional laws, such as building and planning codes, in accordance with article 9 of the Convention; that they have the necessary funding and guidance to monitor, evaluate and secure full accessibility to buildings; and that the reasonable accommodation needs of persons with disabilities are integrated in municipal planning as appropriate. The Committee further recommends that accessibility requirements be systematically included in all public procurement agreements.**

27. The Committee is concerned that public material published by the State, regions, county councils and municipalities, including new laws, statutes and regulations, are rarely published in accessible formats.

28. **The Committee encourages the State party to supplement the regulatory framework concerning the public sector's responsibility to present its information and communications in accessible formats.**

Right to life (art. 10)

29. The Committee expresses its deep concern about the increasingly high rate of suicide among persons with disabilities, including boys and girls, in the State party.

30. **The Committee urges the State party to adopt all necessary measures to prevent, identify and address situations of risk of suicide in persons with disabilities, including boys and girls.**

Situations of risk and humanitarian emergencies (art. 11)

31. The Committee is concerned at the lack of information on the State party's efforts to reduce risks and on its preparedness to provide persons with disabilities with the necessary support in the event of a disaster.

32. **The Committee recommends that the State party undertake to ensure that disaster risk reduction is fully accessible and disability inclusive, and take measures to ensure its preparedness to provide persons with disabilities with the necessary support in the event of a disaster.**

Equal recognition before the law (art. 12)

33. Even though declarations of incapacity have been completely abolished, the Committee is concerned that the appointment of an administrator is a form of substituted decision-making.

34. **The Committee recommends that the State party take immediate steps to replace substituted decision-making with supported decision-making and provide a wide range of measures which respect the person's autonomy, will and preferences and are in full conformity with article 12 of the Convention, including with respect to the individual's right, in his or her own capacity, to give and withdraw informed consent for medical treatment, to have access to justice, to vote, to marry and to work.**

Liberty and security of the person (art. 14)

35. The Committee is concerned that Swedish law allows for a person to be confined against his or her will in a medical facility if he or she has a psychosocial disability and is considered to be a danger to himself or herself or to others. The Committee is further concerned that the law also allows for compulsory psychiatric care in medical institutions or within the community.

36. **The Committee recommends that the State party take all the immediate necessary legislative, administrative and judicial measures to ensure that no one is detained against their will in any medical facility on the basis of actual or perceived disability. The Committee also recommends that the State party ensure that all mental health services are provided with the free and informed consent of the person concerned. It recommends that the State allocate more financial resources to persons with intellectual and psychosocial disabilities who require a high level of support, in order to ensure that there are sufficient community-based outpatient services to support persons with disabilities.**

Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

37. The Committee is deeply concerned at the reported number of cases relating to the use of electroconvulsive therapy and at its possible use as a compulsory treatment. The Committee is also concerned at reports that such treatment is performed more often on women.

38. **The Committee recommends that the State party abolish the use of non-consensual practices with regard to persons with psychosocial disabilities in medical institutions. It further recommends that the State party provide training to medical professionals and personnel in care and other similar institutions on the prevention of torture, cruel, inhuman or degrading treatment or punishment, as provided for under the Convention.**

39. The Committee is concerned about the methods used in coercive and involuntary treatment of boys and girls with disabilities in mental health care settings, in particular the use of straps or belts and the use of seclusion, as reported by the Ombudsman for Children in Sweden.

40. **The Committee urges the State party to implement the recommendations of the Ombudsmen for Children in relation to boys and girls with disabilities in metal health care settings.**

Freedom from exploitation, violence and abuse (art. 16)

41. The Committee is concerned at reports showing the level of violence to which women with disabilities are being exposed, and at the low percentage of shelters accessible to persons with disabilities.

42. **The Committee recommends that the State party ensure that violence and abuse against girls, boys and women with disabilities are identified; that necessary support is available; and that the issue is addressed in national training courses for personnel working in health and medical care, schools, the police force and the judiciary.**

Living independently and being included in the community (art. 19)

43. The Committee is concerned that State-funded personal assistance has been withdrawn for a number of people since 2010 due to a revised interpretation of "basic needs" and "other personal needs", and that persons who still receive assistance have experienced sharp cutbacks, the reasons for which are unknown or only seemingly justified. It is further concerned at the reported number of positive decisions under the Swedish Act concerning Support and Service for Persons with Certain Functional Impairments that are not executed.

44. **The Committee recommends that the State party ensure that personal assistance programmes provide sufficient and fair financial assistance to ensure that a person can live independently in the community.**

Respect for home and the family (art. 23)

45. The Committee is concerned that social services can, upon requirement by a country of origin, deny the international adoption of a child to families where one partner has a disability; it is also concerned about families with disabilities being subjected to additional investigations, carried out by local authorities and social services in the framework of the national adoption system, to assess their parenting ability.

46. **The Committee recommends that the State party ensure the prohibition of discrimination on the basis of disability in adoption procedures.**

Education (art. 24)

47. The Committee is concerned by reports that schools can refuse admission to certain pupils with disabilities on the grounds of organizational and economic hardship. The Committee is further concerned at reports indicating that some children who need extensive support cannot attend school due to a lack of such support.

48. **The Committee urges the State party to guarantee the inclusion of all children with disabilities in the mainstream education system and ensure that they have the required support.**

Work and employment (art. 27)

49. The Committee is concerned that the trends in the employment of persons with disabilities are controversial. The recent trends are unclear, but, over all, unemployment is higher for persons with disabilities than for the general population. Promising achievements have been made with respect to support for personal assistants and the support provided by the public employment service; however, the 100 per cent increase in the number of registered unemployed persons with disabilities since 2008, due to changes in the insurance scheme, is quite alarming. The Committee is also concerned that, with respect to employment and income, a significant gender gap remains between women with disabilities and men with disabilities.

50. **The Committee recommends that the State party take measures to improve opportunities for persons with disabilities to obtain work on the basis of the report presented by the FunkA Inquiry (FunkA-utredning). It further suggests that the State party increase measures of support, including, inter alia, personal assistance in employment, technical assistance in performing in the workplace, reduced social fees, financial support to employers, rehabilitation and vocational training, and that it put in place measures to narrow the employment and pay gender gap. The Committee recommends that the State party assess the impact of the use in the labour market of the term "people with reduced capacities or limitations" to refer to persons with disabilities, and revise it in accordance with the principle of non-discrimination.**

Participation in political and public life (art. 29)

51. The Committee is concerned at the lack of information on accessibility and accommodation for persons with disabilities, during all stages of the electoral cycle, facilitating their exercise of the right to vote, and at the low number of persons with disabilities running for or holding public office.

52. **The Committee recommends that the State party ensure that voter education through mass media is made accessible, that information about elections is provided in accessible formats, that electoral campaigns are made fully accessible, that support at polling stations is made available, that the mechanisms put in place to facilitate voting assistance are developed in close consultation with organizations of persons with disabilities to suit their needs, and that polling assistants are trained to accommodate voters. It also recommends that the State party ensure that all persons with disabilities who are elected to a public position are provided with all required support, including personal assistants.**

Participation in cultural life, recreation, leisure and sport (art. 30)

53. The Committee is concerned that the State party has not signed or ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which allows access to published material to blind persons, persons with visual impairments or persons with other difficulties in having access to printed materials.

54. **The Committee encourages the State party to adopt all appropriate measures to sign, ratify and implement the Marrakesh Treaty as soon as possible.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

55. The Committee regrets the low level of disaggregated data on persons with disabilities. It recalls that such information is indispensable to: understanding the situations of specific groups of persons with disabilities in the State party who may be subject to varying degrees of vulnerability; developing laws, policies and programmes adapted to their situations; and assessing the implementation of the Convention.

56. **The Committee recommends that the State party systematize the collection, analysis and dissemination of data, disaggregated by gender, age and disabili.y; enhance capacity-building in that regard; and develop gender-sensitive indicators to support legislative developments, policymaking and institutional strengthening for monitoring and reporting on progress made with regard to the implementation of the various provisions of the Convention.**

57. The Committee is concerned that data is scarce on matters affecting girls, boys and women with disabilities, including those belonging to indigenous groups

58. **The Committee recommends that the State party systematically collect, analyse and disseminate data on girls, boys and women with disabilities, including those belonging to indigenous groups.**

International cooperation (art. 32)

59. The Committee commends the State on its adoption of both the mainstreaming and twin-track approaches to disability-inclusive international development work.

60. **The Committee recommends that the State party share its good practice with Member States, United Nations bodies and other relevant stakeholders. In addition, the Committee calls for the integration of a disability rights-based perspective in the post-2015 development framework.**

National implementation and monitoring (art. 33)

61. The Committee is concerned that the State party has not yet introduced an independent mechanism based on the principles relating to the status of national institutions for the protection and promotion of human rights (Paris Principles) to monitor the implementation of the Convention. The Committee is further concerned that coordination responsibility lies with the Ministry of Health and Social Affairs instead of the ministry responsible for human rights and discrimination.

62. **The Committee recommends that the State party establish an independent monitoring mechanism to fulfil effectively the obligation enshrined in the Convention in accordance with the Paris Principles.**

Follow-up and dissemination

63. The Committee requests the State party to implement the recommendations of the Committee as contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

64. The Committee strongly encourages the State party to involve civil society organizations, in particular disabled persons' organizations, in the preparation of its periodic report.

65. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, and to make them available on the government website on human rights.

Next report

66. The Committee requests the State party to submit its combined second and third periodic reports by no later than 15 January 2019, and to include therein information on the implementation of the present concluding observations. The Committee invites the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report/combined reports of a State party. The replies of a State party to such a list of issues constitute its report.